

# Attachment One

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

IN RE MATTERS INVOLVING U.S.  
DISTRICT JUDGE G. THOMAS  
PORTEOUS, JR.

: <sup>Dec 16/07</sup>  
: MISC. NO. 07-05757-0085  
:  
: UNDER SEAL

APPLICATION FOR COMPULSION ORDER

COMES NOW the United States of America, by and through applicant Daniel A. Petalas, Trial Attorney, Public Integrity Section, Criminal Division, United States Department of Justice, and makes an application to this Court, pursuant to 18 U.S.C. §§ 6002-6003, for an order to compel the witness, the Honorable G. Thomas Porteous, Jr., to testify and provide other information as to all matters about which he may be interrogated in a proceeding before or ancillary to the United States Court of Appeals for the Fifth Circuit. In support of this application, applicant states the following:

1. The witness, the Honorable G. Thomas Porteous, Jr., has been subpoenaed to testify in a proceeding before the Special Committee of the Judicial Council of the United States Court of Appeals for the Fifth Circuit beginning Monday, October 29, 2007. Under 28 U.S.C. § 353, the Special Committee is obligated by statute to "conduct an investigation as extensive as it considers necessary."
2. The witness is likely to invoke his privilege against self-incrimination and refuse to provide testimony and other information when called to testify on October 29, 2007.
3. In the judgment of the undersigned, the witness' testimony and information are necessary to the public interest, and applicant therefore requests an order to compel the witness, when granted immunity, to testify and to provide information.

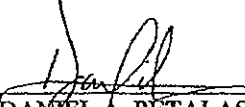
4. As shown in the attached letter of September 24, 2007, this application is made with the approval of Alice S. Fisher, Assistant Attorney General, Criminal Division, United States Department of Justice, in compliance with 18 U.S.C. §§ 6002-6003 and 28 C.F.R. 0.175(a).

WHEREFORE, applicant requests an order to compel the witness, the Honorable G. Thomas Porteous, Jr., to testify and provide other information as to all matters about which he may be interrogated in a proceeding before or ancillary to the United States Court of Appeals for the Fifth Circuit.

Respectfully submitted,

WILLIAM M. WELCH II  
Chief, Public Integrity Section

BY:

  
DANIEL A. PETALAS  
Trial Attorney  
Public Integrity Section  
Criminal Division  
U.S. Department of Justice  
1400 New York Ave., NW, Suite 12100  
Washington, D.C. 20005  
(202) 514-1412



U.S. Department of Justice

Criminal Division

Office of the Assistant Attorney General

Washington, DC 20530-0001

SEP 24 2007

Mr. William M. Welch II  
Chief  
Public Integrity Section  
Washington, D.C. 20530

Attention: Daniel A. Petalas  
Trial Attorney

Re: In re Matters Involving U.S. District Judge G. Thomas Porteous, Jr.

Dear Mr. Welch:

Pursuant to the authority vested in me by 18 U.S.C. § 6003(b) and 28 C.F.R. § 0.175(a), I hereby approve your request for an order pursuant to 18 U.S.C. §§ 6002-6003 requiring Gabriel Thomas Porteous, Jr. to give testimony or provide other information in the proceedings before the Special Committee of the United States Court of Appeals for the Fifth Circuit and in any further proceedings resulting therefrom or ancillary thereto.

Sincerely,

Alice S. Fisher  
Assistant Attorney General

BRUCE C. SWARTZ  
DEPUTY ASSISTANT ATTORNEY GENERAL  
CRIMINAL DIVISION

SC00846

TOTAL P.02

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

IN RE MATTERS INVOLVING U.S.  
DISTRICT JUDGE G. THOMAS  
PORTEOUS, JR.

: <sup>DOCKET</sup> MISC. NO. 07-05-351-0085  
:  
:  
:  
: UNDER SEAL

ORDER

This matter coming to be heard upon the application of the United States of America, by and through applicant Daniel A. Petalas, Trial Attorney, Public Integrity Section, Criminal Division, United States Department of Justice, for an order compelling the witness, the Honorable G. Thomas Porteous, Jr., to testify and provide other information as to all matters about which he may be interrogated in a proceeding before or ancillary to the United States Court of Appeals for the Fifth Circuit, it is hereby:

ORDERED, in compliance with 18 U.S.C. §§ 6002-6003 and pursuant to 28 U.S.C. § 353, that the witness, the Honorable G. Thomas Porteous, Jr., shall provide testimony and other information as to all matters about which he may be interrogated in a proceeding before or ancillary to the United States Court of Appeals for the Fifth Circuit; and that no testimony or other information that he provides under this order and no information directly or indirectly derived from such testimony or other information shall be used against him in any criminal case, except in a prosecution for perjury, making a false statement, or failure to comply with this order.

SC00847

ORDERED, in accordance with Rule 6(e) of the Federal Rules of Criminal Procedure, that the United States' application for immunity be sealed, except that a certified copy shall be provided to Daniel A. Petalas, Trial Attorney, Public Integrity Section, Criminal Division, U.S. Department of Justice.

DATED this 5<sup>th</sup> day of October, 2007.

Edith H. Jones  
UNITED STATES CIRCUIT JUDGE